

CLERK'S OFFICE  
U.S. DISTRICT COURT  
AT ROANOKE, VA  
FILED  
July 17, 2025  
LAURA A. AUSTIN, CLERK  
BY: s/ M.Poff, Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

<b>DEON CARTER,</b>	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 7:23cv00218</b>
	)	
<b>v.</b>	)	<b>MEMORANDUM OPINION</b>
	)	
<b>J. HARRISON,</b>	)	<b>By: Judge Robert S. Ballou</b>
<b>Defendant.</b>	)	<b>United States District Judge</b>

Following entry of Judgment on January 27, 2025, on a jury verdict in his favor, plaintiff Deon Carter, a Virginia inmate proceeding *pro se*, filed a Motion for New Trial on damages only, which he subsequently withdrew (*see* ECF Nos. 66, 74, and 75), and a Motion to Amend the Judgment to add injunctive relief, pursuant to FED. R. CIV. P. 60(a) (ECF No. 67). For the reasons stated below, I will deny the plaintiff's motion.

Plaintiff moves under Rule 60(a) that the court's final order be amended to include injunctive relief by expunging the disciplinary charge from his VDOC record because the jury found that the charge was retaliatory. As the court instructed the jury, an action may be motivated by retaliatory reasons even if the act would have been appropriate if not for the retaliatory motive. *Martin v. Duffy*, 977 F.3d 294, 306 (4th Cir. 2020). The jury's verdict cannot be read as an unqualified decision that no disciplinary charge was appropriate, only that defendant's decision to issue the charge was motivated by retaliation. When ruling on retaliation claims in the prison context, courts must be mindful to accord the appropriate deference to legitimate penological reasons for disciplinary conduct. *Id.* at 301. An injunction requiring VDOC to expunge the charge from Carter's record would be overstepping the court's proper role under the circumstances of this case. The Motion for Injunctive Relief will be denied.

For the reasons stated, an appropriate order will be entered this date denying the plaintiff's motions.

Entered: July 17, 2025

*Robert S. Ballou*

Robert S. Ballou  
United States District Judge